REMARKS

Claims 1-5, 7-12, 14-24, and 27-33 were pending in the application. Claims 1, 10, 15, 29, and 32-33 have been amended. Claims 8, 9, 14, and 28 have been cancelled. Accordingly, claims 1-5, 7, 10-12, 15-24, 27, and 29-33 are pending in the application.

35 U.S.C § 103 Rejections

Claims 1-5, 7-12, 14-21, 23, and 27-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Higuchi et al. (U.S. Patent No. 5,774,731) in view of Chan (U.S. Patent No. 6,920,454). Claims 22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Higuchi in view of Chan, and further in view of Shirivastava et al. (U.S. Patent No. 6,163,855).

Applicant notes that to establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that even if the cited references were to be combined, the combination would not produce Applicant's invention as claimed in claims 1-5, 7, 10-12, 15-24, 27, and 29-33.

1.   Applicant respectfully submits that Higuchi and Chan, whether alone or combined, fail to teach or suggest, "receiving a first probe response <u>at the second processing node</u> <u>from the first processing node</u> in response to sending the broadcast message; receiving a second probe response <u>at the second processing node</u> <u>from the third processing node</u> in response to sending the broadcast message" as recited by claim 1.

The Examiner admits that Higuchi does not explicitly disclose the above-highlighted features of claim 1. However, the Examiner contends that Chan teaches these features at column 6, lines 25-33, and column 20, lines 18-21, 33-40, and 45-49. Applicant respectfully disagrees. In column 19, line 63 – column 20, line 60, Chan teaches, "a method for <u>transferring lock information</u> <u>from an old master node to a new master node</u> without completely freezing the processing of locks

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for resources hashed to the old master node" (see column 19, lines 63-66) (Emphasis added). In Chan, after the lock manager unit on the new master node broadcasts a phase II message to all other nodes, the nodes that receive the broadcast message update their hash table and send an acknowledgement message to the old master node, to make sure the old master node is made aware that the nodes will now begin to send their lock requests to the new master node. (see column 20, lines 33-40) (Emphasis added)

While Chan teaches "transferring lock information from an old master node to a new master node" and "sending acknowledge messages to the old master node in response to receiving a broadcast message", Chan fails to teach or suggest: **receiving a first probe response at the second processing node (i.e., the arbitrating node) from the first processing node (i.e., the lock requesting node) in response to sending the broadcast message; receiving a second probe response at the second processing node (i.e., the arbitrating node) from the third processing node in response to sending the broadcast message**, as recited by claim 1. (Emphasis added) (see also Applicant's Specification, Page 17, Line 30 – Page 18, Line 20)

2.   Additionally, Applicant respectfully submits that Higuchi and Chan, whether alone or combined, fail to teach or suggest, "in response to receiving the first and second probe response messages, granting lock ownership to the first processing node and transmitting from the second processing node to the first processing node a lock response message to inform the first processing node of the lock ownership" as recited by claim 1.

The Examiner contends that Higuchi teaches the above-highlighted features at column 3, lines 12-17, column 8, lines 38-41, and column 23, lines 16-20. Applicant respectfully disagrees.

While Higuchi teaches, "The broadcast message which includes a lock request and which is broadcast by the broadcast message exchange circuit 12 is transmitted to all of the nodes 2 over the network 1. Each node 2 judges whether the lock request in the broadcast message is to be granted" (see column 8, lines 38-41), Higuchi fails to teach or suggest: **in response to receiving the first**

and second probe response messages, granting lock ownership to the first processing node (i.e., the lock requesting node) and transmitting from the second processing node to the first processing node (i.e., the arbitrating node) a lock response message to inform the first processing node (i.e., the lock requesting node) of the lock ownership, as recited by claim 1.

In accordance, claim 1 is believed to patentably distinguish over Higuchi and Chan, whether alone or combined. Claims 2-5 and 7 depend on independent claim 1 and are therefore believed to patentably distinguish over Higuchi and Chan for at least the reasons given above.

Additionally, independent claim 15 recites features similar to those highlighted above with regard to independent claim 1 and is therefore believed to patentably distinguish over the cited references, whether alone or combined, for at least the reasons given in the above paragraph discussing claim 1. Claims 15-21, 23, 27, and 29-33 depend on claim 15 and are therefore believed to patentably distinguish over the cited references for the same reasons.

3. Furthermore, Applicant respectfully submits that Higuchi and Chan, whether alone or combined, fail to teach or suggest "receiving, at the second processing node, a first corresponding probe response message from each of the first and the third processing nodes in response to sending the broadcast message; in response to receiving the first corresponding probe response message from the first and the third processing nodes, transmitting a lock release message from the second processing node to the first processing node to release ownership of the lock" as recited in claim 10.

The Examiner contends that the above-highlighted features of claim 10 are disclosed at column 6, lines 25-33, and column 20, lines 18-21, 33-40, and 45-49 of Chan. Applicant notes that the referenced text of Chan discloses a process for "transferring lock information from an old master node to a new master node", not a process for releasing a lock.

Also, while Higuchi teaches a process for sending an unlock request (see column 23, lines

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55-57), Higuchi fails to teach or suggest "receiving, at the second processing node, a first corresponding probe response message from each of the first and the third processing nodes in response to sending the broadcast message; in response to receiving the first corresponding probe response message from the first and the third processing nodes, transmitting a lock release message from the second processing node to the first processing node to release ownership of the lock" as recited in claim 10.
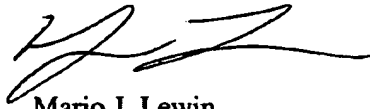
In accordance, claim 10 is believed to patentably distinguish over Higuchi and Chan, whether alone or combined. Claims 11 and 12 depend on claim 10 and are therefore believed to patentably distinguish over Higuchi and Chan for the same reasons.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-98300/MJL.

Respectfully submitted,

Mario J. Lewin
Reg. No. 54,268
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 853-8800
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